

**U.S. Department of the Interior  
Bureau of Land Management**

**BLM**

**Decision Record for  
Environmental Assessment  
James Ryegrass Grazing Association, LLC**

**DOI-BLM-WY-100-2014-06-EA**

U.S. Department of the Interior  
Bureau of Land Management  
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## Decision Record

### **Field Managers Final Decision**

#### **Background Information**

The Pinedale Resource Management Plan (RMP) Record of Decision (ROD) was finalized on November 26, 2008. The RMP provides overall direction for the management of all resources on BLM-administered lands in the Pinedale planning area.

The James Ryegrass Allotment is located approximately 18 miles west of Pinedale, Wyoming in Township 34 North, Range 112 West, Sections 19, 26, 27, 28, 29, and 30. The allotment includes 3,585 acres of public lands administered by the Bureau of Land Management.

The Webb Draw Pasture Allotment is located approximately 21 miles northwest of Pinedale, Wyoming in Township 35 North, Range 112 West, Sections 20, 21, 22, 27, 28, 29 and 34. The allotment includes 794 acres of private lands, and 1,550 acres of public lands administered by the Bureau of Land Management

The new permit includes terms and conditions for grazing use that conform to the Guidelines and will continue to achieve, or make progress towards achieving, the Wyoming Standards for Healthy Rangelands in accordance with all applicable laws, regulations, and policies; and in accordance with Title 43 CFR 4130.2(a) which states in part “Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans”. This final decision specifically identifies management actions and terms and conditions that are appropriate to achieve management and resource condition objectives. The proposed action that was developed under this final decision executes actions that would ensure progress towards or continued achievement of the Wyoming Standards for Healthy Rangelands.

James Ryegrass Grazing Association, LLC is the sole grazing permittee in the James Ryegrass and Webb Draw Pasture Allotments. A review of the James Ryegrass Grazing Association, LLC case file indicates that they meet the mandatory qualifications to graze on public lands in accordance with 43 CFR 4110.1.

#### **Proposed Decision**

On April 14, 2014, the Pinedale Field Office of the Bureau of Land Management (PFO) released the James Ryegrass Grazing Association, LLC Proposed Decision. A protest was received in a timely manner. The protest didn't have any specific protest points other than public comments that were received during the public scoping period. The PFO has categorized the comments and can be seen in the attached comment matrix (appendix A).

#### **Conclusion of the Standards Determination Documents**

Monitoring data was collected and reviewed and Rangeland Health Assessments were completed in 2013 for the James Ryegrass and Webb Draw Pastures. James Ryegrass met all of the standards for Rangeland Health, except for Standard 6- Air Quality. Webb Draw Pasture met standards except for Standard 2- Riparian/Wetland Health and Standard 6- Air Quality. For Standard 2- Riparian/Wetland Health, it was determined that livestock grazing is a significant factor in not achieving this standard. However, there are other factors that contribute to not meeting the standard. These are drought, historic irrigation alterations, road crossings, natural gas pipeline crossing, and wildlife use. The non- attainment of Standard 6 in both allotments was not due to livestock.

Guidelines: Since the Webb Draw Allotment is not meeting all of the standards for Rangeland Health the BLM looked at the Wyoming Guidelines for Livestock Grazing. Based on the guidelines we are in conformance with guidelines 1, 3, 4, 5, 6, 7, 8, 9. The lack of conformance with guideline 2 will be addressed in the Environmental Assessment (EA).

#### **Consultation and Coordination**

The term grazing permit renewal proposal was initially scoped internally by the Pinedale Field Office Interdisciplinary (ID) Team/Resource Specialists at the November 13, 2013 meeting to begin to identify any issues and/or resource concerns.

A letter notifying the permittee, interested publics, and the cooperating agencies was sent out on November 15, 2013. The purpose of the letter was to begin the scoping period and also set a meeting on December 4, 2013 to develop alternatives.

Tribal Coordination Letters were sent out on December 9, 2013 for this project notifying the tribes of Eastern Shoshone Tribe of the Wind River Reservation, Northern Arapaho Tribe, The Ute Tribe of the Uintah and Ouray Reservation, Shoshone-Bannock Tribes of the Fort Hall Reservation, and the Blackfeet Tribal Business Council of the proposed action and asking for comments. Follow up phone calls were also made on February 6, 2014 and messages were left. No comments were received.

The Preliminary EA, a means of soliciting public input to the NEPA process, along with the Rangeland Health Assessments, was posted to National NEPA Register and copies of the press release were sent notifying cooperators, and interested publics of a 30-day comment period were sent on February 18, 2014. Six comment letters were received.

#### **FINAL DECISION**

The issuance of the term grazing permit will be for a period of up to 10 years. This decision will be effective upon issuance or pending final determination on appeal. If this grazing preference is transferred during the ten year period with no changes to the terms and conditions the new permit would be issued for the remaining portion of this permits term.

Livestock grazing management practices on the new permit include the proposed action which would incorporate the Ball Horse Creek Allotment into the James Ryegrass Allotment. Previous allocated AUMs in the Ball Horse Creek Allotment will be incorporated into the James Ryegrass Allotment and the associated grazing permit (Table 1 & Table 2).

**Table 1. Proposed Permitted Use – James Ryegrass Allotment**

Allotment	Acres	Cattle	Active AUMs	Suspended AUMs	Permitted Use
James Ryegrass Ind.	3745	450	815	136	951
Ball Horse Creek	0	0	0	0	0

The Permits will include changes to the terms and conditions. Grazing will be permitted as shown in Table 2.

**Table 2. Livestock grazing allotments and use, Proposed Action (Mandatory Terms and Conditions)**

Allotment	Category	Livestock # and type		Dates of Use	BLM Acres	% Public Land	BLM Active AUMs
James Ryegrass Ind.	I	450	C	6/1 – 7/31	3745	100	815
Webb Draw Pasture	M	591	C	6/1 – 7/1	1550	66	417

The maximum grazing use in the allotments above in table 4 would be 1,232 AUMs.

James Ryegrass will have a rotational grazing system that follows Table 3. The dates of the permit will be 6/1- 7/31 annually. The rotation dates will be set yearly during an annual operating meeting but the rotation schedule will fall within the permitted dates.

**Table 3. Deferred Rotation Schedule in James Ryegrass**

Year	West Pasture	Middle Pasture	East Pasture
1	2	3	1
2	3	1	2
3	1	2	3
4	Repeat year 1		

**Other Terms and Conditions:**

1. The following changes to the grazing schedule may be allowed with approval by the authorized officer at the BLM. The request must be made at least 3 business days in advance.
  - a) The operator may change the permitted number of livestock and/or the date of livestock turn-out and/or removal as long as it does not exceed the permitted AUMs. If livestock numbers increase the period of use will be adjusted appropriately.
  - b) Livestock may be required to exit the allotment earlier than scheduled if grazing use reaches or exceeds stipulated levels. Extensions based on utilization need to be approved in advance by the authorized officer at the BLM.
  - c) Drought years with unfavorable climatic conditions that results in below average forage production or a reduction loss of reliable livestock water may require changes to the active preference or actual use that would occur in the allotment in any one year. Changes may include but are not limited to reduced livestock numbers, delayed turn-in dates, early turn-in and removal dates and potential pasture/allotment closures.
  - d) The operator may alter the order of rotation as long as each pasture receives deferment from growing season use within each (3) year cycle.
  - e) Non-use for resource protection may be authorized and encouraged beyond that scheduled in the rotation. This is to allow for maintenance and improvement in rangeland health and watershed condition.
2. Maximum allowable use levels will be as follows: Key upland forage and riparian species: 50% of the current year's growth. This is necessary to allow desirable key herbaceous species to 1) regenerate after defoliation and protect the plant's crown. 2) Residual material protects the soil from erosion. 3) Help in storing metabolic reserves in the soil. These three things will help enhance plant vigor, reproduction, and maintain or improve desirable perennial cover (Holechek et.al, 2004).
3. The permittee must properly complete, sign and date an Actual Grazing Use Report (BLM Form 4130-5) annually. The completed form(s) must be submitted to the BLM Pinedale Field Office within 15 days from the last day of annual authorized grazing use.
4. Salt and mineral blocks must be placed at least  $\frac{1}{4}$  mile away from any riparian area, spring, stream, meadow, sensitive plant species, playa, sage-grouse lek, or water developments.
5. If grazing use consistently exceeds appropriate levels, or if any one of the Wyoming Standards for Healthy Rangelands are not met, or if trend monitoring indicates that the condition of range or riparian resources are declining and it is determined to be primarily due to livestock grazing, adjustments to livestock grazing management will be made as appropriate.

6. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs. Maintenance must be completed prior to livestock turnout annually.
7. Flexibility in grazing seasons of up to 14 days outside of authorization will be allowed, not to exceed active AUMs, if requested by the permittee and approved by the BLM authorized officer.
8. In addition to the grazing use allowed in the Webb Draw Pasture Allotment (6/1 – 7/1). A trailing permit will be authorized for a 3 day period between July 25 and August 5. The additional days are to allow for unforeseeable delays in making use of the trailing permit.
9. Horse AUMs may be substituted for cow AUMs and must be approved by the authorized officer annually.

### **Monitoring**

Upland trend and wildlife habitat monitoring will be conducted at existing monitoring sites at intervals of 5-10 years on each upland site, at a time when plant phenology allows for the greatest success in plant identification. Monitoring will be used to determine current status of objectives.

If it is determined those objectives are not being met then additional changes to the grazing practices will be implemented. These changes may include but not limited to; new water sources, changing the season of use, utilization levels, vegetation treatments and potentially a reduction in livestock numbers.

### **Range Improvements**

Currently there is no water in the Ball Horse Creek portion of the Allotment. Water would need to be developed to make this area useable by livestock and is located in T34N R113W Sec 25. The existing water gap that is on private land in the James Ryegrass Allotment is being fenced off and will not be useable by livestock. Two new water wells will be drilled in the new James Ryegrass Allotment. The wells will operate using power from solar pumps and will be equipped with two troughs at each well. Locations of the wells were chosen based on consultant advice and permittee input. The two new water wells are located in T34N R113W Sec 25 and T34N R113W Sec 19 (see appendix B for maps). There will also be a mile of new fence constructed on the former Ball Horse Creek Allotment. The fence will be built to wildlife friendly specs and the purpose of the fence is to separate BLM land from the private land in T34N R113W Sec 25 (see appendix B for map).

### **Mitigation Measures**

#### **Cultural and Paleontological Resources**

- The BLM has formulated a plan for cultural compliance with regard to the renewal of this permit and has achieved concurrence on it with the Wyoming State Historic Preservation Office. The plan requires that locations where animals tend to concentrate, such as fence lines, artificial water sources, corrals, and salt/mineral blocks, will be inventoried at a Class III level by PFO cultural staff. In addition, areas with a high probability to contain cultural resources will also be inventoried at a Class III level by PFO cultural staff. These areas include natural water sources out to a distance of one quarter mile and along ridge tops and other landforms that may contain cairns or other cultural features significant to regional tribes. Finally, Class III inventory will be conducted by PFO cultural staff for two water wells that are currently planned for the James Ryegrass Allotment. Adverse effects to any eligible sites identified during these inventories will be mitigated in consultation with the SHPO. When possible, PFO cultural staff will monitor identified sites for damage and known heavy use areas for cultural remains.

- Concentrating animal use in outcrop areas can dislodge, rub out, and break cultural/fossil remains. Such areas should be inventoried prior to any development including fence placement, or trail and road construction/reclamation. Water wells/tanks/troughs and salt block locations should not be placed within known cultural sites or fossil localities due to the same effects mentioned above in other areas of animal concentration.

## Weeds

- Treatment of weeds in the allotments is done by utilizing Integrated Pest Management techniques and is handled through a Cooperative Agreement between BLM and the Sublette County Weed & Pest District.

## Visual Resource Management

- The application of best management practices would be required to mitigate visual impacts. These mitigations would include; proper facility placement and blending the facility into the landscape by painting with an approved earth color. With mitigation the project would comply with visual resource management class III objectives.

## Wildlife and Fisheries Resources

### Sage-grouse

- Proposed fence line within 0.6 miles of the nearest lek perimeter would be monitored and retrofitted with flight diverters. All construction and other disturbance activities would adhere to seasonal timing restrictions and the amount of disturbed sagebrush habitat would be minimized as practicable. In addition, existing fence lines throughout the allotment would be monitored and high risk fence lines would be identified and marked with strike diverters.
- Well facilities provide vertical structure on the landscape that serve as potential nesting and perching structures for predatory bird species. Vertical structures could also serve as a perceived threat to prey species thereby altering behavior by deterring use away from what could otherwise be suitable habitat. Utilization of solar panels instead of windmills may reduce these perching opportunities. All new water troughs would be fitted with escape ramps to minimize the potential for avian drowning. Ramps have already been installed in existing troughs. In accordance with Executive Order 2011-05 a Density Disturbance Calculation Tool consistency review is not necessary for construction of agricultural reservoirs less than 10 surface acres and drilling of agricultural water wells (including installation of tanks, water windmills and solar water pumps) within 0.6 miles of the perimeter of a lek provided that construction does not occur March 15 to June 30 and construction does not occur on the lek (Executive Order 2011-05, Attachment C). All management actions would comply with and incorporate the appropriate disturbance and timing restrictions relating to Core habitat set forth in BLM IM WY-2012-019 and Executive Order 2011-05.

### Big Game

- New fence construction would adhere to BLM wildlife friendly specifications (BLM 1989).
- All construction and other disturbance activities would adhere to seasonal timing restrictions and the amount of disturbed sagebrush habitat would be minimized as practicable.

### Pygmy Rabbit

- Proposed fence lines would be surveyed for the presence of occupied burrows. If occupied burrows are identified efforts to avoid structural damage would be employed.
- In order to reduce the potential impacts to habitat quality project locations would be identified that minimize sagebrush disturbance. In addition, occupancy surveys would be conducted within  $\frac{1}{4}$  mile of potential locations. Utilization of solar panels instead of windmills would reduce perching opportunities for predators.

### **Sagebrush Obligate Songbirds**

- Nesting surveys would be conducted prior to initiation of proposed construction activities in order to identify active nest locations.

### **Rationale**

The James Ryegrass Allotment met all of the standards for Rangeland Health, except for Standard 6- Air Quality. The non- attainment of Standard 6 in this allotment was not due to livestock.

The deferred grazing system in place in the James Ryegrass Allotment will ensure that key plant species have the time for reproduction and restoration of plant vigor.

The proposed action in the James Ryegrass Allotment will enhance grazing management by providing new water wells. Currently there is no water in the Ball Horse Creek Allotment. Adding a water source in that section will make it useable by livestock. The addition of these new wells on the James Ryegrass Allotment will also enhance grazing management because the existing water gap that is on private land is being fenced off by the land owner and will not be usable by livestock in the allotment. The adequate supply of water at these sites could assist in keeping grazing animals in a better distribution pattern during the season of use. It will also provide flexibility to livestock operations by allowing the permittee to adjust their stocking density or turnout dates based on climatic and resource conditions

The Webb Draw Pasture Allotment met standards except for Standard 2- Riparian/Wetland Health and Standard 6- Air Quality. For Standard 2- Riparian/Wetland Health, it was determined that livestock grazing is a significant factor in not achieving this standard. However, there are other factors that contribute to not meeting the standard. These are drought, historic irrigation alterations, road crossings, natural gas pipeline crossing, and wildlife use. The non- attainment of Standard 6 in both allotments was not due to livestock.

Historically, the Webb Draw Pasture Allotment has been used by cattle for the month of June and then trailed to private pasture and then returned in late July or early August for 7-14 days. The late season removal of vegetation regrowth is one reason for the allotment not meeting Standard #2. A change in season of use and a designated timeframe for trailing will address the issues in the riparian areas that caused the allotment to fail Standard #2. The proposed action also provides flexibility to livestock operations by allowing the permittee to adjust their stocking density or turnout dates based on climatic and resource conditions

### **Land Use Plan Conformance**

Land Use Plan Name: Pinedale Field Office Record of Decision and Approved Resource Management Plan

Date Approved: November 26, 2008

The proposed action is in conformance with the Pinedale Record of Decision and Approved Resource Management Plan signed in November 26, 2008, which states "Maintain, restore, or enhance livestock

grazing to meet the Wyoming Standards for Rangeland Health and achieve allotment objectives (p 2-17)".

This land use plan specifically provided for the following Management Decisions:

- h. The current grazing preference of 107,907 animal unit months (AUM) will be maintained, unless changes are warranted through site specific monitoring (p 2-18).
- k. Grazing systems will be designed to maintain or improve watershed function and range condition; for example, through changing seasons of use, implementing rotational or other grazing management systems, or developed infrastructure for livestock grazing management (p 2-18).

**AUTHORITY:** The authority for this final decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent part:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple-use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at CFR 601.0-5(b)."

4110.3: "The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4130.2(a): "Grazing permits or leases shall be issued to qualified applicants to authorize use on public lands and other lands administered by the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

4130.3-1(c): "Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part."

4130.3-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives provide for proper range management or assist in the orderly administration of the public rangelands."

4130.3-3: "Following consultation, cooperation, and coordination with the effected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part."

4180.1: "The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but no later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist."

- (a) "Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow."
- (b) "Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities."
- (c) "Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs."
- (d) "Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species."

#### **RIGHT OF APPEAL**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Pinedale Field Office as noted above. The BLM does not accept appeals by facsimile or email.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215 in accordance with 43 CFR 4.470(a) and 4.471(b).

SIGNATURE



Shane DeForest  
Field Manager  
Pinedale Field Office

6-18-14

Date

## **Appendix A. Public Comment Form Matrix**

**Appendix A**  
**James Ryegrass EA – Comment Form Public Comments**

Commenter Name	Page	Comment	Assigned To	Response to Comment	Done
Department of Ag	12	<p><b><u>3.5 Livestock Grazing</u></b></p> <p><i>It is evident that great numbers of cattle and sheep once dispersed over the then free and open range. The reported practice of ranchers was to drive their cattle to the mountains for the summer months and permit them to scatter over the public lands at the lower elevations...:</i></p> <p><b><u>Comment:</u></b> The entire paragraph is subjective. We believe the word “evident” exudes unnecessary negative connotations to livestock grazing. WDA recommends utilizing a historical resource or remove paragraph.</p> <p>-</p>	Range	<p>Deleted paragraph. Reworded to read: Historic grazing was once unregulated and took place before the enactment of the Taylor Grazing Act of 1934. The unregulated grazing of livestock caused damage to rangelands with a reduction of natural vegetation and increased soil erosion.</p>	X
Department of Ag	12	<p><b><u>3.9 Riparian Resources</u></b></p> <p>The section includes background information pertaining to the Webb Draw Pasture, but lacks any information for James Ryegrass. We understand James Ryegrass does not have riparian areas. We recommend PFO specifically state this to ensure the EA is clear in its entirety.</p>	Range	<p>Change in the EA so that it is clear that there are no riparian areas in James Ryegrass.</p>	X
Department of Ag	16	<p><b><u>Greater Sage-grouse</u></b></p> <p>WDA continues to urge PFO reference the State of Wyoming Executive Order 2013-3: Greater Sage-Grouse Core Area-Grazing Adjustments. This Executive Order requires coordination with BLM when grazing adjustments are necessary to benefit sage-grouse.</p>	Wildlife	<p>The following statement can be found on pgs. 30-31 ... <i>All management actions will comply with and incorporate the appropriate disturbance restrictions relating to Core habitat set forth in BLM IM WY-2012-019 and Executive Order 2011-05.</i></p>	X

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Department of Ag	27	<p><b>Livestock Grazing</b></p> <p><i>The deferred grazing system in James Ryegrass would ensure that key plant species are rested during critical growth stages in some years and will provide the necessary protein requirements to sustain a yearling or cow calf pair during the grazing season.</i></p> <p><b>Comment:</b> WDA recommends removing “rest from the sentence and only discuss deferment. We recommend PFO refer or include the following definitions to alleviate and future misunderstanding or changes in expectations:</p> <p>Then they gave the definition of deferment and rest.</p>	Range	<p>Took out the word rest and referred to deferment in the EA.</p> <p>X</p>	X
Department of Ag	33	<p><b>Vegetation</b></p> <p><i>Over the long term, the no grazing alternative would improve the plant community vigor by allowing the native grasses to produce greater above ground foliage and increase the root reserves throughout the season. Wildlife would consume some of this extra vegetative growth, but overall the condition of the native habitat would be improved, which would be a benefit for wildlife. This would also help prevent upland erosion through increased vegetative cover, improving water quality.</i></p> <p><i>This alternative would also provide rest for the plant community and the lack of grazing pressure could allow plants such as Indian ricegrass, needle and thread and Bluebunch wheatgrass to become more vigorous and produce more seed. Over a ten year period, the lack of grazing pressure could result in a slight</i></p>	Range	<p>The ten year period is the time frame that the EA is being analyzed. We are not setting this ten year period and saying that it is the required amount of time for plant communities to shift. I Agree with you stating from cagney that if we remove grazing pressure that the plant community will not shift to a more desirable plant community alone.</p>	

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Commenter Name	Page	Comment	Assigned To	Response to Comment	Done
		<p><i>increase in the frequency of some deep rooted perennial species and a shift in the plant community toward a more desirable bunchgrass/big sage status. However, this alternative alone would not be sufficient to reduce the dominance of shrubs in the vegetation community.</i></p> <p><i>This alternative would have a beneficial impact compared to the proposed action.</i></p> <p><b>Comment</b></p> <p>WDA is very concerned PFO continues to negate the Cagney et al 2010 paper with unreferenced and biased analysis statements provided above. What study shows a ten year period is the required amount of time for the vegetation community to shift in plant communities? Who determines what “slight increase in frequency” is?</p> <p>WDA previously requested in January 2014 comments for PFO to refer and reference the Fourteennmile Enclosure (Cagney 2010). Pg 15 of Cagney states:</p> <p>“The Fourteennmile enclosure (Figure 7), built north of RS Wyoming, in the 1960’s, is one of many exclosures scattered across Wyoming demonstrating the backwards transition (Figure 6) doesn’t occur when grazing pressure is removed. Sites in the sage/rhizo grass/bluegrass state generally exhibit their stability in exclosures. Some have speculated that these exclosures demonstrate that grazing doesn’t affect rangeland composition and productivity or that hoof action is necessary for rangeland health. More accurately, changing grazing management or eliminating grazing on sites in the sage/rhizo grass/bluegrass state has limited effect. Its critical range managers and sage grouse habitat biologists do not predicate their habitat management strategy on the presumption that the</p>		<p>Changed the first paragraph to read Over the long term, in eno grazing alternative could.....</p> <p>I deleted frequency so that now it just reads... <i>lack of grazing pressure could result in a slight increase ...</i></p>	

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Commenter Name	Page	Comment	Assigned To	Response to Comment	Done
		backwards transition is readily achievable through grazing management”.			X
		PFO conveys the removal of grazing only creates possible positive benefits, but neglects to include the possible negative effects of removing grazing, including an eventual decrease in plant vigor, increase in fire, loss of wildlife habitat, etc.		Deleted Chapter 4.2 and reworked Cumulative Effects section in EA.	
Department of Ag	37	<p><b>Livestock Grazing : No Action Alternative:</b></p> <p><i>The no action alternative would have minimal cumulative impacts on livestock grazing because the current livestock grazing scheme would not be changed.</i></p> <p><b>Comment</b></p>	Range		X
Department of Ag	37	<p>WDA is genuinely concerned PFO has inadequately analyzed Chapter 4.2 Cumulative Effects. How would someone quantify “minimal cumulative impacts to livestock grazing?” What are some actual cumulative impacts? We recommend BLM consider: increased fire, sale of private ranchlands, increase in subdivisions, loss of wildlife habitat, increase in predation, etc.</p> <p><b>Livestock Grazing : No Action Alternative:</b></p> <p><i>The no grazing alternative would have maximum cumulative impacts on livestock grazing because livestock would be removed from public lands,</i></p>	Range	Deleted Chapter 4.2 and reworked Cumulative Effects section in EA.	X

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		<u>Comment</u>  What are “maximum cumulative impacts?” Please see WDA’s previous comments.			
Department of Ag	37	<u>Comment</u>  <b>Livestock Grazing: No Grazing Alternative: Vegetation:</b>  <i>Livestock grazing is the activity that would have the largest impact on vegetation communities in James Ryegrass and Webb Draw Pasture. It is reasonable to expect continued drought conditions, which could delay favorable vegetation responses or speed unfavorable ones.</i>	Range	Deleted this and changed the Cumulative Effects section in the EA.	X
WGFD		<u>Comment</u>  WDA is unsure what the intent and cumulative effect is for the vegetation section above. What does drought have to do with removal of livestock grazing and cumulative effect? We reiterate our concern regarding all of Chapter 4: Cumulative Effects and recommend PFO address deeper, long-term impacts for each alternative.	Range	We Support including rotational pasture management into the permit renewals in order to provide periodic rest during the spring/early summer critical growth period to benefit bucngrasses and other preferred herbaceous vegetation.	Thanks for the comment and the BLM agrees that the proposed action will benefit wildlife through the proposed wells and the deferred grazing system.

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		pronghorn if left running throughout the summer and fall seasons when wildlife typically vacate areas that do not have proximal water.			
WGFD		Encourage that the BLM consider vegetation treatments in the Webb Draw Allotment to improve habitat quality for mule deer in spring and fall seasons. Mosaic treatments would also benefit brood rearing habitat for sage grouse.	Wildlife/ Range	BLM recognizes the potential for vegetation treatments to provide positive benefits to habitat for multiple species in the Webb Draw Allotment. However, any proposed treatments represent a separate action and are therefore outside the scope of analysis for this EA.	X
WGFD		The Webb Draw allotment consists of mountain big sagebrush as opposed to Wyoming big sagebrush	Range	Corrected in the EA	X
WGFD		For the Ecological Site Description and Habitat Assessment Framework discussions, a reference to Wyoming big sagebrush communities or using “arid” reference is not appropriate.	Wildlife	Following a reclassification of the communities from “arid” to “mesic” and a subsequent re-evaluation of the Sage-grouse Habitat Assessment Framework BLM has concluded that forb and grass cover values exceeded the suitable habitat criteria. Therefore no changes are	X

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		necessary to analysis.			
WGFD		Gray wolves have been documented in the vicinity of the Webb Draw allotment and likely travel through this area.	Wildlife	Wolves are no longer receive any BLM management protection or special management consideration.	X
WGFD		Nesting trumpeter swans have been documented on the reservoir directly south of the allotment in 2012 and 2013.	Wildlife	Species table amended	X
WGFD		Long-billed curlews have been observed within the Webb Draw allotment during spring season, typically associated with the sub-irrigated lowland areas and those areas close to the reservoirs.	Wildlife	Species table amended	X
		For Standard 2- Riparian/Wetland Health, it was determined that livestock grazing is a significant factor in not achieving this standard.		Changed in EA while livestock is a causal factor there are also other contributing factors for not meeting the standard	X
SCCD	4	<u>Comment:</u> The SCCD believes that prolonged drought and historic irrigation alterations in this areas are also very significant contributing factors as well as the limiting potential of the associated ecological site.	Range	(drought, irrigation diversion, road and pipeline crossings, and wildlife use).	X

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		Factors preventing the North Fork of Webb Draw from reaching PFC were vigor of riparian plants and lack of adequate riparian plant cover to protect stream banks and dissipate energy. This has led to slumping banks, impacting the sinuosity and width/depth ratio of the channel in the lotic sites.  On the lentic sites, vegetation species and age diversity was good, but the plants did not exhibit high vigor, and the extent of the riparian area is static at less than its potential. This site consists of a shallow draw through the sagebrush, with an associated spring on one side of the valley.		You are correct. Changed in the EA so that both sections are the same and states the other factors involved in not reaching PFC.	X
SCCD	16	<p><b>Comment:</b> Based on comments in page 4 that livestock grazing is the significant factor in these determinations the statements on pg 13 must then be posited by the reader as being caused by livestock. The SCCD believes that there are cumulative effects working in these areas including drought, historic irrigation diversion. Road crossing the channel and pipelines. To insinuate that livestock grazing tells the whole story is short sighted.</p> <p>Overgrazing by livestock tends to deplete sagebrush communities of their native grass and forb element, resulting in increases in density of sagebrush or, alternatively, invasion of exotic weedy species (USDI, BLM 1999).</p>	Range	Deleted this out of the EA.	X
SCCD	16	<p><b>Comment:</b> This statement is true but in its current context leads the reader to believe that livestock grazing has increased the density of sagebrush in the Webb Draw Allotment when this cannot</p>	Range		

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		be assumed. The paragraph preceding the above statement within the document states: “ <i>Native sagebrush communities across the west have been altered by changes to the natural fire regime with European settlement. An increase in sagebrush has suppressed herbaceous understories, but native plant communities are still present</i> ” . This statement better states what is happening in this area along with plant community succession which often leads to a state with sagebrush dominance.		Reworded in EA to say “ <i>James Ryegrass allotment falls within the Wyoming Big Sage/Rhizomatous Grass-Bluegrass state. This state contains a sagebrush canopy with an herbaceous plant community dominated by rhizomatous grasses and bluegrasses. This community is the result of continuous season-long grazing (Cagney 2010) and also historic grazing.</i>	X
SCCD	17	James Ryegrass allotment falls within the Wyoming Big Sage/Rhizomatous Grass-Bluegrass state. This state contains a sagebrush canopy with an herbaceous plant community dominated by rhizomatous grasses and bluegrasses. This community is the result of continuous season-long grazing (Cagney 2010) and also historic grazing.  <u>Comment:</u> The SCCD doesn't agree with this statement. Cagney et al. 2010 also says. “On sites where snow accumulates, sagebrush and the herbaceous plant community compete directly for space. Sagebrush cover naturally increases with time to a level in equilibrium with the site's precipitation and snow conditions. As sagebrush increases, herbaceous productivity decreases.” To say definitively that grazing is the sole reason in a shift in this plant community is a stretch. There isn't data that goes back far enough to substantiate such claims. Two paragraphs down from this statement does a much better job explaining the	Range	<i>Range</i> by rhizomatous grasses and bluegrasses. The current grazing scheme didn't cause the Wyoming big Sage/Rhizomatous Grass-Bluegrass state. This state was caused by historic grazing practices and continuous season long	

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		<p>“The health of vegetation communities includes the stage of succession within the ecological sites and other factors, such as grazing or browsing, insects, disease, fire, chemical and mechanical treatments, and climate. Typical elements used in describing vegetation health include: species composition and cover, vertical structure, age class and contains appropriate plant communities that are resilient, diverse, and able to recover from natural and human disturbance.</p> <p>An assortment of environmental factors influence the location(s), extent, state, and/or types of vegetation found throughout the allotments. Elevation, precipitation zone, topography, soils and underlying parent materials, slopes, and exposures all contribute to the general vegetation composition.”</p> <p>The above paragraph should be used to explain the plant community in James Ryegrass.</p> <p>“The health of vegetation communities includes the stage of succession within the ecological sites and other factors, such as grazing, insects, disease, fire, chemical and mechanical treatments, and climate. Typical elements used in describing vegetation health include: species composition and cover, vertical structure, age class and contains appropriate plant communities that are resilient, diverse, and able to recover from natural and human disturbance.</p> <p>An assortment of environmental factors influence the location(s), extent, state, and/or types of vegetation found throughout the allotments. Elevation, precipitation zone, topography, soils and</p>		<p>grazing (Cagney et al 2010).”</p> <p>“The health of vegetation communities includes the stage of succession within the ecological sites and other factors, such as grazing or browsing, insects, disease, fire, chemical and mechanical treatments, and climate. Typical elements used in describing vegetation health include: species composition and cover, vertical structure, age class and contains appropriate plant communities that are resilient, diverse, and able to recover from natural and human disturbance.</p> <p>An assortment of environmental factors influence the location(s), extent, state, and/or types of vegetation found throughout the allotments. Elevation, precipitation zone, topography, soils and</p>	

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		<i>underlying parent materials, slopes, and exposures all contribute to the general vegetation composition.”</i>			X
SCCD	18	<p><i>The 2010 to 2011 winter provided greater than average total precipitation, however, this one year did not negate the long term effects of the drought, including reductions in plant production, reproductive capability, and vigor.</i></p> <p><b>Comment:</b> This statement needs to be substantiated. This may be the case but the supporting data needs to be part of this narrative.</p>	Range	See chapter 4.2 cumulative effects. Inserted a table showing that on average we are getting drier than wetter.	X
SCCD	31	<p><i>No grazing will be permitted through the key growing season in July and early August enabling the increased production of warm season grasses and forbs.</i></p> <p><b>Comment:</b> Within the PFO and this part of Wyoming the vast majority of grasses and forbs are cool-season. There may be some warm-season species in wetter, minority ESD's but these do not represent the production in this allotment. This sentence shouldn't be the reason that grazing is excluded during these months.</p>	Wildlife	Clarified that increased production for warm season grasses would be associated with riparian/wetter habitats.	X

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SCCD	32	<p>The livestock grazing section (No Action Alternative) states: “<i>Continuous early season use could impact vegetation growth and therefore could reduce the protein intake of cattle on the range. If cattle are competing for a limited supply of resources, weight gains and conception rates could be negatively affected and death loss could occur due to the increased stress on livestock.</i>”</p> <p><b>Comment:</b> The WDA commented on an identical statements in the the Boulder Landscape EA that the SCCD agrees with and will use to comment on the above passage. “The analysis of the No Action Alternative should simply reflect no changes to current management without conveying a negative tone. We don’t believe Pinedale BLM has adequate data nor is it within the scope of the BLM analysis to decide if weight gains or conception rates are meeting the needs or expectations of the livestock grazing permittee.”</p>	Range	<p>Livestock grazing will continue but with no grazing flexibility to livestock operations by allowing the permittee to adjust their stocking density or turnout dates based on climatic resource conditions. The permitted use would remain at 1,145 AUMs and the proposed water wells and the Ball Horse Creek associated AUMs wouldn’t be implemented in James Ryegrass. The permittee could still voluntary do a deferred grazing system in James Ryegrass that would ensure that key plant species have time for reproduction and restoration of plant vigor. However, in Webb Draw the season of use wouldn’t change.</p> <p>X</p>	

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SCCD		<p><b>Cumulative effects section:</b></p> <p>The SCCD believes that the cumulative effects section is lacking in scope. For example, the sections on soils, special status plants, and vegetation all concede that there will be some level of impact to the resource mentioned, yet there is just a cursory look at those impacts. If the proposed action or any of the alternatives have an effect on the resource it would be wise to go into more detail about the past, present, and foreseeable future effects. For example, there is no mention in these sections about the proposed wells and how they may impact vegetation and soils.</p>	Range/ Wildlife	BLM addressed the issues in Chapter 4 by reworking chapter 4.2 Cumulative Effects.	X
SCCD	36	<p>The SCCD believes there should be some reference to the '10 – year Sublette Mule Deer Mitigation Plan' in the Wildlife and Fisheries Resources' section as it covers the Ryegrass area and has an effect on the allotment.</p>	Wildlife/R ange	The 10 year Sublette Mule Deer Mitigation Plan is analysed as a cumulative impact under reasonably foreseeable actions	X
WWP		<p>Neither the assessment nor the EA provides information regarding actual use on these allotments. At most, pg 15 of the assessment provides a table of 10 year averages between 2002 and 2012, most of which show that actual use was exactly permitted use which would indicate that the permittee failed to file actual use reports (and the BLM failed to enforce the requirement).</p>	Range	The information on the actual use is summarized on pg 14 of the EA. This summarization shows that for last ten years the permittee has not been filling its permit in full. Thanks for the comment and under current terms and conditions on the current permit Actual Use Reports are not required. It is required on	X

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		Even with this insufficient information, the Ryegrass allotment has averaged somewhere around 60% of permitted use over the last decade the EA is completely silent on the impacts if the permittee used his full permit.		the new permit under the proposed action.  Not been using full permit.	X
WWP		On pg 5, we see that the RMP requires that “monitoring of the range and vegetation resource will be conducted at a level sufficient to detect changes in Grazing use, trend, and range conditions. Monitoring will be tied to land health standards and indicators that help determine change in status and progress towards meeting objectives”. The proposed action fails to implement this RMP requirement. Livestock action U appears to have been ignored.	Range	Under the proposed action it implements monitoring requirements on pg 8 of the EA that falls back to the objectives that are implemented on pg 5 of the EA.	X
		WWP	Range	If it is determined that objectives are not being met then additional changes to the grazing practices would be implemented. These changes may include but not limited to; new water sources, changing the season of use, utilization levels, and vegetation treatments.	

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WWP		<p>Page 6 of the EA states that the Webb Draw allotment has been used consistently "in late July or early August for 7 to 14 days" yet the permit is for May 20 through June 25. So what this appears to demonstrate is that the BLM has known full well of trespass on this allotment for years or decades and did nothing about it. So the "appropriate action" that the BLM is proposing here is to disallow (actual) later on in term 9 its clear the BLM just wants to now make it legal) something the permittee has illegally been doing for decades. In addition, the BLM proposes to move use further into the hot season.</p>	Range	<p>The current staff has been unaware of the use of the allotment in the past. In the EA it discloses how the allotment has been used in the past and the corrections that are being taken. The trailing use is being shortened to only a 10 day period with only a 3 day use period within this time. By limiting the trailing use also addresses the hot season use.</p>	X
WWP		<p>Regarding the supposed rotation, we see the EA mention that a rotation has been in place for some time, we also see that a rotation is being proposed, and we see no proposal for fence construction which would indicate that the fences dividing the 3 pastures in the ryegrass allotment are currently existing.</p>	Range	<p>True the fences are existing and the permittee has been doing a rotation in this way see Map 1. In the new permit the deferred rotation is being permitted under the proposed action..</p>	X
WWP		<p>We see under term 1 a that the "operator may change the permitted number of livestock and or the date of livestock turnout and or removal as long as it does not exceed the permitted active preference or season of use". So much for the "appropriate action".</p>		<p>"active preference or season of use" deleted this in the EA and changed to if livestock numbers increase the period of use will be adjusted appropriately.</p>	X

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WWP		<p>Term 2 allows for utilization up to 50% but the BLM has utterly failed to provide rationale as to how such a high utilization limit on low growing, grazing tolerant species provides for sage grouse habitat. In addition it allows livestock grazing to continue for "5 days after meeting the utilization objective". It appears from the EA that only the Ryegrass allotment will have any rotation, so for this particular allotment with a proposed 60 day use period divided by 3 pastures results in ~20 days per pasture, so 5 days accounts for an additional 25% of the total use period.</p>		<p>Sited in EA where the 50% came from. Was based on average annual precipitation, and range type. Also took out the 5 days and changed to if utilization levels are met that livestock would be removed.</p>	X
WWP		<p>Term 5 states that "if grazing use consistently exceeds appropriate levels, or if any one of the Wyoming standards for healthy range lands are not met, or if trend monitoring indicates that the condition of range or riparian resources are declining and it is determined to be primarily due to livestock grazing, adjustments to livestock grazing management will be made as appropriate". Let's look at each one of these individually: 1) to determine if "grazing used consistently exceeds appropriate levels", the BLM must regularly monitor utilization levels but the BLM does not do that and nothing within the proposed action would indicate a clear enforceable commitment to do the necessary monitoring. As a result of the failure to monitor the BLM will likely never know if utilization levels are exceeded "consistently". 2) Wyoming standards have been determined not to be met in one of the allotments with a similar failure more than a decade ago in the</p>		<p>Livestock are a causal factor in not meeting the standard. Not meeting the standard we looked at the guidelines and are in conformance with the guidelines except guideline #2. Actions in the EA are addressed. Monitoring and utilization objectives and associated responses are outlined in chp.2 of the EA. The reason for previous</p>	X

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		<p>other allotment both of which have not resulted in implementation of this term. 3) the BLM has failed to and has no plans to change that direction, in its failure to collect appropriate data, as required by the RMP" to determine trend". Further undercutting any potential for applicability of this term is that the BLM requires of itself that it determined that it was "primarily due to livestock grazing". As a result, this term may look good on paper but is purposefully worthless in reality. In addition, if you examine section III-16 of the H-4180-1 the requirement is "is it more likely than not that existing grazing management practices or levels of grazing use are significant factors in failing to achieve the standards or conform to the guidelines?" Nowhere in these regulations is it a requirement that it be "primarily" due to livestock.</p>		standards not being met in James Ryegrass were due to the mistaken inclusion of the water gap on private land.	
WWP		Term 9 allows the continued use of the Webb Draw allotment outside the permitted time frames.		The EA discloses past unauthorized use and the proposed action formalizes a set trailing period with associated terms and conditions. For trailing it is only authorized for 3 days within the 10 day time period.	X
WWP		Page 8 states that "upland trend monitoring would be conducted existing monitoring sites" yet no such monitoring information has been provided within the EA or the assessment for that matter, so likely does not exist. It further states that "existing		Trend data is not available in this EA. Monitoring points have been established and will continue to be monitored in	X

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		inventory information and data would be used to establish vegetation objectives for each monitoring site" but that needs to be done now not left to sit on the paper and never get done like most everything the BLM promises. So not only does it appear that the BLM has not collected upland trend monitoring but it proposes to conduct further nonexistent upland trend monitoring at intervals up to 10 years resulting in at least a 3rd of a century going by before any trend determinations can be made. This is not acceptable.		accordance with BLM protocol in order to determine trend. This is outlined in the EA.	X
WWP		We see that to new water wells would be drilled yet no of site-specific NEPA has been conducted for these wells and associated material. Without such site-specific NEPA the decision can not authorize the construction of these wells.		Site specific analysis is contained within the EA.	X
WWP		We see that the BLM is trying to eliminate its responsibilities under the NHPA through the use of exemption 27 yet proposes tripling the livestock density through the use of a 3 pasture rotation in one allotment, opening to livestock grazing an allotment not allocated for livestock grazing and shifting the season of use in the 3rd allotment, all of which do not fit within the exemption.	Cultural	The new permit isn't tripiling livestock in the 3 pasture rotation in James Ryegrass. The Ball allotment that is referred to as unallocated is a permitted allotment and its associated permitted AUMs were rolled over into the James Ryegrass Allotment. There will be a Class III inventory conducted in areas that tend to premove concentration of animals (e.g	X

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		water features, corrals, fence lines, salt locations, and of areas with a high probably of locating sites e.g. natural water features, ridge tops). This will be done prior to livestock turnout.			
WWP		Frequently the document discusses how the rotation will reduce "the probability of nest trampling" or reduce livestock impacts on pygmy rabbits but such a rotation, assuming it hasn't been in place for some time, which appears to be the case, triples the density of livestock in a certain area significantly increasing trampling.	Wildlife	Wording had been adjusted to clarify that the proposed action would formalize what is an already existing voluntary rotation system.	X
WWP		Page 31 states that "no grazing will be permitted through the key growing season in July and early August enabling the increased production of warm season grasses and forbs" yet the term 9 allows 10 days of grazing during this time. Or 30% more than the time allowed on the permit. Of course, the BLM will argue that only 3 days will be allowed yet provides itself a wide-open loophole to extend based on unknown "resource conditions" as if the BLM had personnel able to make such determinations over every single allotment within the field office which of course does not.	Wildlife/R ange	The EA has been clarified to state that only 3 days of grazing will be permitted during late July and Early August.	X
WWP		In the next section it says that the proposed management of "late season trailing" which appears to be merely late-season trespass would "reduce excessive hot season grazing. But the NEPA document is for analyzing the impacts of the proposed action and	Wildlife/R ange	The EA discloses the historic unauthorized use and the reduction in hot season grazing is relative to this	X

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		as far as we can tell the previous Midsummer use was illegal.		previous use	
WWP		The same section states that "managing for increased dried standing crop" but the proposed action is to allow 50% utilization which is not an "increase"	Wildlife/R ange	See previous response to the level of utilization.	X

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		been eliminated. Again, this complete species composition shift has not been dealt with.			
WWP		The section on Webb Draw does not provide current species composition or production, but that allotment is stocked at 3.7 acres/AUM, probably similarly twice current production.		We don't have production data for Webb Draw. Species composition data was added to the assessment.	X
WWP		Ball, the unallocated allotment, that the EA does not even discuss anything about, is stocked at a stunning 1.8 acres/AUM. No data at all is provided for this allotment. This can only be seen as arbitrary action would incorporate the		The Ball Allotment was never unallocated. The proposed action would incorporate the	X

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WWP		decision making.		<p>Ball Horse Creek Allotment into the James Ryegrass Allotment. Currently the Ball Horse Creek Allotment doesn't have an active grazing permit and sits adjacent to James Ryegrass (Appendix A new allotment map 3).</p> <p>Under the proposed action previous allocated AUMs and the Ball Allotment would be incorporated into the James Ryegrass Allotment</p>	X
WWP		The proposed action fails to implement BLM Wyoming Guidelines for Livestock Management. Livestock grazing has to be both in compliance with the Standards and in conformance with the Guidelines. In particular, Guidelines 2, 4, 5, 7, 8 and 9 have been ignored in this process.		The EA states that with the exception of guideline 2 the allotment conforms with the BLM Wyoming guidelines for livestock management.	
WWP		<p>The EA mentions a number of RMP requirements such as "Monitoring of the range vegetation resource will be conducted at a level sufficient to detect changes in grazing use, trend and range conditions." The EA provides no monitoring plan or monitoring requirements. This certainly has not happened in the past.</p> <p>g. Sources of stream degradation that occur on public lands will be</p>		<p>See previous response regarding monitoring objectives.</p> <p>There are no impaired streams within either allotment.</p>	X

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		<p>prevented, minimized, and/or remediated in cooperation with WDEQ and authorized land users.</p> <p>e.Riparian areas providing sensitive wildlife species habitat will be managed for a vegetative or successional state appropriate for the benefit of those species, including vertical and horizontal vegetation structure and composition.</p> <p>Conservation of Special Status Species means using all methods and procedures that are necessary to improve the condition of Special Status Species and their habitats to a point where their special status recognition is no longer warranted. The objectives of the Special Status Species policy are to (A) conserve listed species and the ecosystems on which they depend and (B) ensure that actions requiring BLM authorization or approval are consistent with the conservation needs of Special Status Species and do not contribute to the need to list any Special Status Species, either under provisions of the ESA or other provisions of this policy. (emphasis added)</p> <p>c. Surveys for Special Status Species will be conducted on BLM-administered public lands and mineral estate before any federal project or federal activity is approved.</p>		<p>Analysis of impacts from the proposed action addresses potential changes in vegetation in relation to wildlife habitat needs.</p> <p>The EA used the current sensitive species monitor data provided by BLM and WYNDD and outlines when sensitive species surveys would be conducted.</p>	

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		Above are some of the RMP requirements neither discussed nor implemented.			
		The EA states that major issues were:  How can sage grouse and their habitats be protected?  WWP  How can big game crucial ranges and migration routes be protected?		The proposed action outlined in the EA is in accordance with and will follow all applicable guideline set forth in the Govenors Executive Order and BLM WY-IM-2012-019.  The integrity of big game migration route would be protected by using BLM approved wildlife friendly fence construction criteria.	X
WWP		No management requirements or limitations have been put in place to provide for these. No analysis of what would be needed for these two issues was provided.		See previous response to comment regarding utilization levels.	X
WWP		The document fails to provide any information regarding whether this 50% utilization limit provides for the physical needs of the plants themselves or for providing wildlife habitat for species such as sage grouse. We provide a wide range of literature that shows that it does not. (see previous submissions)			
WWP		The BLM has not examined and determined the carrying capacity of these allotments for nearly half a century.		The comment is correct in stating that carrying capacity has not been examined in this	X

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		43 CFR § 4110.3 Changes in permitted use. The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition,	EA.		
WWP		Interestingly, the document states that "overgrazing by livestock tends to deplete sagebrush communities of their native grass and forb element". Reading through the rangeland health assessment it appears that the vast majority of the analysis area meets this definition yet the BLM proposes no action to address this problem.	Range	The BLM agrees that overgrazing <u>could</u> deplete communities of native forbs and grasses. The combination of current and historic grazing use has not resulted in the failure of upland range health standards.	X
WWP		Repeatedly when the document discusses sage grouse habitat it states something like "nesting and early brood rearing habitat is characterized by 10 to 25% sagebrush cover with a variety of forb in need of bunchgrasses for food and nesting residual cover". The problem with this is that it generalizes the very clearly defined minimum requirements for herbaceous cover and height. These two factors are critical to survival and nesting success. Further, these two factors need to be compared to current conditions to determine if the wildlife standard is being met or not. This has not been done.	wildlife	The EA has been adjusted to include a more complete discussion of grouse habitat needs and parameters from Braun 2006. Current conditions were assessed using the Sage-grouse Habitat Assessment Framework.	X
WWP		The EA provides only 10 years worth of lek count data which does not provide the context necessary to see the long-term and		Changes in grouse populations numbers outside of oil and gas development	X

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		<p>significant declines in counts.</p> <p>In the recent Sage Grouse EIS AMS, the BLM states:</p> <p>"Another area of concern is the diversity of plant species in sagebrush steppe and the effects of livestock grazing on this vegetation type. Sage-grouse literature suggest that intact sagebrush ecosystems are essential during all sage-grouse seasonal periods, and a sagebrush canopy in conjunction with robust herbaceous understory is critical to maintaining quality breeding and summer seasonal habitats (Cagney et al. 2010). Management of cattle grazing (utilization and season of use) affects the height, density and diversity of herbaceous materials used by grouse. Continuous spring grazing or season-long grazing on sagebrush/bunchgrass communities allows for potential transition of the sagebrush steppe system to a sagebrush/rhizomatous state that lacks an herbaceous understory to provide forage, nesting and cover for sage-grouse. Due to geographic, climatic and economic constraints, much of the rangeland throughout the Pinedale Field Office is continuously spring grazed."</p> <p>WWP</p>		<p>have been within normal population fluctuations.</p> <p>The sagebrush/rhizomatous grass/bluegrass state is exceptionally important, because it represents a highly stable community and can provide an acceptable volume of herbaceous cover and can meet the breeding season habitat requirements of sage-grouse (Cagney <i>et al.</i> 2010). Additional vegetation treatments may be necessary to facilitate a shift to the reference plant community.</p> <p>X</p>	

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		An EA must consider and analyze the relevant issues. See <i>Western Watersheds Project v. Salazar</i> , 4:08-CV-516-BLW, Dckt. 131 (D. Idaho 2011) ( <i>Watersheds</i> ). Judge Lynn Winnmill set aside the Pinedale Resource Management Plan in 2011 due to its lack of depth and specificity in its analysis of the plan's impacts on Greater Sage Grouse (GRSG) and its habitat. <i>Western Watersheds</i> , Dkt. 131 at 31. The BLM must identify how and where impacts occur while using scientific analysis, expert agency comments, and public scrutiny to arrive at a course of conduct. <i>Id.</i> ; 40 C.F.R. §1500.1(b). For any decision implementing the Pinedale RMP, BLM must clearly demonstrate that it has corrected these deficiencies.	CLG	Judge Winnmill did not “set aside” the 2008 Pinedale RMP. The 2008 RMP is in effect. The Wyoming Sage-grouse RMP Amendment EIS process is addressing the deficiencies identified in the <i>Watersheds</i> decision. The cumulative impacts analysis for this EA addresses these impacts at the local level. The Wyoming Sage-grouse RMP Amendment EIS addresses the impacts at a regional level. BLM cannot control the actions of interest groups, so a challenge may result; however, as the Boulder landscape plan is an implementation decision that does not purport to replace the allocation decisions of the Pinedale RMP, it does not need to replace the impact	

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	March 24, 2014 Page 2	Without “some quantified or detailed information” general statements about possible effects do not constitute a “hard look.” <i>Klamath-Siskiyou Wildlands Center v. BLM</i> , 387 F.3d 989, 993 (9th Cir. 2004). The analysis must be useful and discuss how individual impacts combine and “synergistically interact” to affect the environment. <i>Id.</i> at 997. Other decisions equate ‘hard look’ with demonstrating that each impact has been reduced to insignificance. <i>Yomba Tribe of Western Shoshone, Timbisha Tribe of Western Shoshone,</i> 175 IBLA 237, 246 (2008); <i>Owen Severance et al.</i> , 163 IBLA 208, 216 (2004).			The Wyoming Sage-grouse RMP Amendment EIS process is addressing the deficiencies identified in the <i>Watersheds</i> decision. The cumulative impacts analysis
CLG		With regard to the Pinedale RMP/EIS, the Court found that it failed to (1) identify how or where energy and grazing impacts to sage-grouse would			X

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		<p>occur; (2) map sage-grouse winter use areas; (3) adequately discuss the failure of one third of allotment acres to meet rangeland health standards due to grazing; (4) address the conclusions of Dr. Braun regarding cumulative impacts to sage-grouse; (5) analyze the cumulative impacts due to energy development, including energy development in adjoining field offices such as the Kemmerer Field Office; and (6) address the Wyoming Basin Eco-Regional Assessment and the WAFWA Conservation Assessment. In addition, the Court held that BLM violated FLPMA by disregarding its own Policy and Strategy.</p>		<p>for this EA addresses these impacts at the local level. The Wyoming Sage-grouse RMP Amendment EIS addresses the impacts at a regional level.</p> <p>The allotment contain no energy development and are classified as No Leasing Areas in the RMP.</p> <p>NTT, and National strategy in regards to livestock grazing and sage-grouse will be considered and discussed. The NTT report represents the most up to date sage-grouse conservation guidance for BLM management decisions.</p> <p>The Habitat Assessment Framework takes into account</p>	

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		The EA needs to address the above holding in its analysis of the two allotments to ensure that it “present[s] complete and accurate information to decision makers and the public to allow an informed comparison of the alternatives considered in the EIS.” <i>NRDC v. U.S.</i>		The Wyoming Sage-grouse RMP Amendment EIS process is addressing the deficiencies identified in the <i>Watersheds</i> decision. The cumulative impacts analysis for this EA addresses these impacts at the local level. The Wyoming Sage-grouse RMP Amendment EIS addresses the impacts at a regional level. Because the Boulder landscape plan is an implementation decision that does not purport to replace the allocation decisions of the Pinedale RMP, it does not need to replace the impact analysis of the RMP.	X
CLG		<i>Forest Service</i> , 421 F.3d 797, 813 (9th Cir. 2005). The BLM should trace grazing impacts to specific locations and identified species (i.e. GRSG leks). <i>Watersheds</i> at 31. The BLM must also address how isolated impacts on GRSG habitat may or may not produce secondary or tertiary consequences to GRSG habitat. <i>Id.</i> ; see also <i>Klamath-Siskiyou</i> , 387 F.3d at 993.		The Ryegrass EA responds to the <i>Watersheds</i> decision to the extent that it describes the GRSG populations and habitat. EA at 16-18, 27-28. The EA	Thank you for your comment the BLM feels that the analysis of impacts to sage-grouse within the EA is
CLG					X

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		<p>applies the <i>Sage-Grouse Habitat Assessment Framework</i> in order to determine habitat conditions in the area, <i>id.</i> at 17, and determined that there was one lek in the two allotments but that the allotments provide seasonal habitat to support the leks. <i>Id.</i> The Webb Pasture also has potential habitat but some is marginal due to excess cover and reduced forms. <i>Id.</i></p> <p>The EA does not address how grazing might affect the current habitat, if at all.</p> <p>The EA needs to more fully document how grazing rotation and no early season grazing will mitigate impacts.</p>		<p>adequate addressed.</p>	
CLG				<p>CLG recommends that the EA better articulate the role of wind and birds in the distribution of noxious weeds. EA at 11. See Sakai, et al., <i>The Population Biology of Invasive Species</i>, ANNU. REV. ECOL. SYST. 2001. 32:305–32 at 312.</p>	X

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CLG		<p>The EA discussion on range health assessments acknowledges that much of the allotment has not been assessed. EA at 11. The EA needs to explain why BLM lacked data or the data used to conclude compliance. For example, these allotments include more private land and perhaps health assessments were not necessary.</p>		<p>Range health assessments were conducted on all allotments. A portion of the riparian areas in Webb draw have not been assessed but those sections assessed are representative.</p>	X
CLG		<p>The EA also fails to discuss the causal factors in the finding that two stream segments were functioning at risk. EA at 13. As the EA indicates, the two allotments have significant wildlife use, and without soils analysis or monitoring data, it is not possible to document current livestock use as the sole cause.</p>		<p>Clarification on the causal factors has been included in the EA.</p>	X
CLG		<p>Elsewhere the EA uses general conclusions in lieu of findings specific to the two pastures. For instance, the EA at 14 refers to a general statement of the effects of livestock overgrazing. Without any evidence of overgrazing on the two allotments, this statement</p>		<p>Please refer to the previous response to comments from WWP.</p>	X

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		is out of context.			
CLG		The Coalition would encourage BLM to use specific facts when available and to more fully disclose information that is not available. The discussion of rangeland health suggests that the allotments generally meet rangeland health standards and that the Proposed Action will ensure that the allotment continues to maintain or make progress towards maintaining rangeland health standards. On these grounds, the permit should be renewed	X	Thank you for comment.	

## **Appendix B. New Range Improvements Water Wells and Fence Construction**

## Water Wells & Fence Construction

